

JFW



Attorney Docket No. GRAY033/00US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Teresa S. HEALY et al.

Serial No.: 10/638,554

Examiner: Unassigned

Confirmation No.: 5392

Art Unit: 3765

Filed: August 12, 2003

For: **EAR WARMER HAVING A MEMBRANE FORMING A RECEPTACLE**

U.S. Patent and Trademark Office
220 20th Street South
Customer Window, Mail Stop Amendment
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

INFORMATION DISCLOSURE STATEMENT TRANSMITTAL

Enclosed is an Information Disclosure Statement and accompanying Form PTO/SB/08A for the above-identified patent application.

- ☒ In accordance with 37 C.F.R. §1.97(b), no additional fee for submission of the IDS is required.
- ☐ In accordance with 37 C.F.R. §1.97(c), also enclosed is:
 - ☐ the fee of \$180.00 as set forth in 37 C.F.R. §1.17(p); or
 - ☐ a statement as specified in 37 C.F.R. §1.97(e).
- ☐ In accordance with 37 C.F.R. §1.97(d), a statement as specified in 37 C.F.R. § 1.97(e) and the fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) are also enclosed.
- ☐ Check in the amount of \$180.00 for the total fee is attached.
- ☒ A return receipt postcard is also enclosed.
- ☐ Please charge \$___ to Deposit Account No. 50-1283 for the total fee. This paper is being submitted in duplicate.

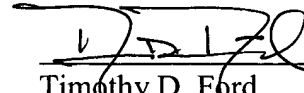
The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

Dated: JANUARY 11, 2005

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**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.97(b)**

In accordance with the duty of disclosure set forth in 37 C.F.R. §1.56,
Applicant(s) hereby submits the following information in conformance with 37 C.F.R.
§§1.97 and 1.98.

- ☒ Pursuant to 37 C.F.R. §1.98, a copy of each foreign and non-patent document cited in the attached Form PTO/SB/08 is enclosed.
- ☐ No copies of the publications listed on the attached Form PTO/SB/08A are being provided pursuant to 37 C.F.R. §1.98(d) because the publications were previously cited by or submitted to the Office in prior Application Serial No. ____ to which the above-identified application claims priority under 35 U.S.C. §120.
- ☒ No copies of any U.S. patents or U.S. patent application publications listed on the attached Form PTO/SB/08A are enclosed.
- ☐ Publication(s) ____ listed on the attached Form PTO/SB/08A were cited in a foreign search or examination report corresponding to ____ application serial no. ____ and mailed on ____.
- ☐ Enclosed is a copy of a non-English publication(s) _____. Pursuant to §609 of the M.P.E.P., Applicant submits the attached foreign search or examination report, which cites such non-English language publication(s).

- ☐ Enclosed is a copy of a non-English publication(s) _____. English language publication ____ (copy enclosed) claims priority from this non-English publication.
- ☐ Enclosed is an explanation of non-English publication(s) _____ for which an English translation is not available.
- ☐ Enclosed is an English translation of non-English publication(s) _____ cited in the attached Form PTO/SB/08A.
- ☐ Enclosed is a copy of pending patent Application Serial No. _____.

This Information Disclosure Statement is filed within any one of the following time periods:

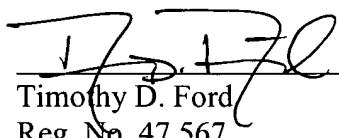
- ☐ within three months from the filing date of this national application other than a CPA under 37 C.F.R. § 1.53(d);
- ☐ within three months from the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in this international application;
- ☒ before the mailing date of a first office action on the merits; or
- ☐ before the mailing of a first office action after the filing of a request for continued examination under 37 C.F.R. § 1.114.

It is respectfully requested that the Examiner consider the above-noted information and return an initialed copy of the attached Form PTO/SB/08A to the undersigned.

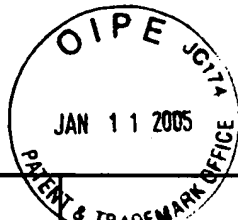
Dated: January 11, 2005

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Reg. No. 47,567

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PTO/SB/08A (08-00)

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>			Complete if Known		
			Application Number	10/638,554	
			Filing Date	August 12, 2003	
			First Named Inventor	Teresa S. Healy	
			Group Art Unit	3765	
			Examiner Name	Unassigned	
			Attorney Docket Number	GRAY033/00US	
Sheet	1	of	5		

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code ² (if known)		
	A1	1,179,473		Taylor	04-18-1916
	A2	1,274,842		Basch	08-1918
	A3	1,326,875		Miller	12-30-1919
	A4	1,398,958		Basch	12-06-1921
	A5	1,577,183		Dowiarz	03-16-1926
	A6	1,628,483		Wiegand et al.	05-10-1927
	A7	1,988,880		Strouse	01-22-1935
	A8	10/335,930		Le Gette et al.	01-03-2003
	A9	138,894		Isidor	05-13-1873
	A10	2,070,216		Rosenberg	02-09-1937
	A11	2,216,954		McDonough	10-08-1940
	A12	2,246,031		Baritz et al.	06-17-1941
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	A19	2,582,907		Kaufmann	01-15-1952
	A20	2,586,644		Gilbert	02-19-1952
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	A40	3,841,325		Pickard	10-15-1974

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number.

² See attached Kinds of U.S. Patent Documents.

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Sheet	2	of	5	Attorney Docket Number	GRAY033/00US

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Examiner Signature		Date Considered	
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				Group Art Unit	3765
				Examiner Name	Unassigned
Sheet	3	of	5	Attorney Docket Number	GRAY033/00US

	A92	5,509,146		Bryerton, Sr.	04-23-1996
	A93	5,528,774		Sanders	06-1996
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	A103	5,821,468		Urella et al.	10-13-1998
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	A117	6,502,247		Le Gette et al.	01-07-2003
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	A126	D375,825		Whidden	11-26-1996
	A127	D390,564		Savona	02-10-1998
	A128	D473,539		O'Leary	04-22-2003

Examiner Signature		Date Considered	
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				Group Art Unit	3765
				Examiner Name	Unassigned
Sheet	4	of	5	Attorney Docket Number	GRAY033/00US

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	T ⁴
		Office ¹	Number ²	Kind Code ³ (if known)			
	B1	CA	2180036		Verbon	01-04-1997	
	B2	CH	294003		Trieb	01-04-1954	
	B3	DE	2516709	A1	Gehörschützer	10-28-1976	
	B4	DE	29800973	U1	UVEX Sports GmbH & Co.	04-23-1998	
	B5	DE	29812652	U1	Clasing	03-25-1999	
	B6	DE	4422767	A1	Optac GmbH	01-11-1996	
	B7	EP	0745364	A2	Le Gette et al.	4-12-1996	
	B8	FR	2 536 253	A	Planche	05-25-1984	Abstract
	B9	FR	2 532 838	A1	Schiess	03-16-1984	Abstract
	B10	FR	1 353 524		Silvain	01-20-1964	
	B11	FR	2538204	A1	Decrozant	12-20-1982	
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	B13	GB	2062478	A	Gardner, et al.	05-28-1981	
	B14	GB	2320885	A	Parikh	07-08-1998	
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	B16	JP	10257581		Sony Corp.	08-15-2000	Abstract
	B17	JP	6-351090	A	Sony Corp.	12-22-1994	Abstract
	B18	JP	63-20232			06-06-1988	
	B19	JP	62-21016			02-07-1987	
	B20	JP	60-244188	A	Yamauchi, et al.	12-04-1985	
	B21	JP	60-29141			02-27-1985	
	B22	JP	63-21972		Hikari Trade Kabushiki Kaisha	08-25-1989	Abstract
	B23	JP	57-205216		Kikumori Kawabata	12-27-1982	Yes (Portion)
	B24	JP	2002-11036	A	Kikumori Kawabata	01-15-2002	Abstract
	B25	JP	6-41720			06-03-1994	Concise Explanation of Relevance
	B26	JP	58-15618			01-31-1983	
	B27	JP	59-129815			08-31-1984	
	B28	JP	10-85251		Kobayashi	04-07-1998	Abstract
	B29	JP	11-229223		Tada	08-24-1999	Abstract
	B30	WO	01/76402	A1	The Gorgonz Group	10-18-2001	
	B31	WO	94/09734		Sakharov	05-11-1994	
	B32	WO	97/48296		Falco	12-24-1997	
	B33	WO	98/07062		Marano	02-19-1998	
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	B36	WO	03/086124		Faussett, et al.	10-23-2003	
	B37	WO	92/17079		Kimbrough	10-15-1992	

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¹ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).

² For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

³ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible.

⁴ Applicant is to place a check mark here if English language Translation is attached.

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PTO/SB/08A (08-00)

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				Group Art Unit	3765
				Examiner Name	Unassigned
Sheet	5	of	5	Attorney Docket Number	GRAY033/00US

OTHER MATERIALS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ¹
	C1	1999-2000 Catalog, "Accessory Goods," Nitty Company, Ltd., 4 pgs.	
	C2	Advertisement: The "PODZ" ear warming eye glass retainer, Shred Alert Products of Hood River, Oregon, 5 pgs.	

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229743 v1/RE
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